



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00509/FUL

Name and address of applicant

Beesley and Fildes
Manchester Road
16 Column Road
Prescot
Merseyside

Name and address of agent

Life Architecture Ltd
16 Column Road
West Kirby
CH48 8AX

Date of Receipt: 18 August 2022

Date Valid: 21 September 2022

Address/Location Of Development:

**Vacant Land West Of Manchester Road Adjacent To Prescot Business Park
Prescot
Knowsley**

Description of Development:

VARIATION OF CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 20/00204/FUL (ERECTION OF A GARDEN CENTRE TOGETHER WITH THE CONSTRUCTION OF VEHICULAR ACCESS TO MANCHESTER ROAD AND SINCLAIR WAY, CAR PARKING AND ASSOCIATED WORKS) TO ALLOW FOR CHANGES TO APPROVED PLANS COMPRISING OF AMENDMENT TO SITE ACCESS AND RETENTION OF EXISTING VEHICULAR ACCESS OFF MANCHESTER ROAD; AMENDMENT TO SITE LEVELS (EXISTING LEVELS RETAINED); CHANGES TO PARKING LAYOUT/OVERFLOW PARKING; CHANGES TO BUILDING ELEVATIONS INCLUDING ALTERATIONS TO FRONT ELEVATION AND THE ADDITION OF NEW MAIN ENTRANCE STRUCTURE/CANOPY, REDUCTION IN WINDOW HEIGHT, BRICKWORK HEIGHT INCREASED TO ALL ELEVATIONS; STEPS REMOVED TO FIRE DOORS AND REPOSITIONING OF ESCAPE DOOR ON NORTH ELEVATIONS; ADDITION OF DOORS TO SOUTH ELEVATION; SERVICE AREA RELOCATED, STEPS AND RAISED PLATFORM REMOVED AND FIRE DOORS REPOSITIONED ON WEST ELEVATION.

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1 in addition to the plans and documents approved on the original planning application 20/00204/FUL.

Reason: For the avoidance of doubt.

2. Within 3 months of the date of this permission a scheme for the design and layout of highway improvement works shall be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:
 - The relocation of existing speed humps on Manchester Road.
 - The introduction of keep clear markings adjacent the access to the Fire Station on Manchester Road

The approved scheme shall be implemented before the development is brought into use.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall be used as a Garden Centre for the sale of garden items and ancillary goods and for no other purpose, including any other use falling within Class E(a); of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class.

4. The use hereby permitted shall not operate outside the hours 09.00 until 17.00 on Mondays - Saturdays and 10.00 until 16.30 on Sundays or Bank or Public Holidays without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

5. Notwithstanding the details shown on the approved drawings, within one month of the date of this decision, a scheme detailing the materials to be used for the enclosure of the external area which includes the steps necessary to minimise impact to the surrounding residential properties, shall be submitted for the written approval of the local planning authority. All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. Prior to the first use of the development hereby permitted, a lighting scheme for the building and car park, which includes the steps necessary to minimise light intrusion to the surrounding residential properties (including shut off times), shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the relevant guidance are met. All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

7. Prior to the first use of any part of the building hereby permitted, a scheme to demonstrate a layout accommodating vehicles within the overspill car park and a car park management plan including measures of how motorists will be directed to the overspill car park shall be submitted to and agreed in writing by the Council as Local Planning Authority. The scheme must include details of its surfacing and drainage. The scheme shall be implemented as agreed before any part of the development is brought into use.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

8. The service area shall be kept free from all obstructions at all times. HGV access to the service area is prohibited during times when the overspill car park is in operation and is to be kept available for use by HGVs at all other times.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

9. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for car, cycle and motorcycle parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained, and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 201 Revision G. These areas shall be retained as such thereafter.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

10. Within 3 months of this decision, a landscaping plan illustrating the replacement trees is to be submitted and approved in writing by the Council as Local Planning Authority. The scheme must illustrate replacement tree planting at a 2:1 ratio. Trees will be a minimum of 12-114cm girth. The approved scheme must be accompanied by a timetable for the implementation of the proposed landscaping scheme. The provided landscaping scheme shall be implemented in full according to the agreed timetable to the satisfaction of the Council as Local Planning Authority. The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

11. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment Ref Rev A 13/01/2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

12. A. Risk Assessment

Within one month of the date of this decision, an assessment of the risks posed by any contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

- i. a survey of the extent, scale and nature of contamination.
- ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and
 - service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that

any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

No soil (topsoil and subsoil) is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

13. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in latest BS4142 standard, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

14. Within one month of the date of this decision, a surface water drainage scheme shall be submitted and agreed in writing by the Local Planning Authority. The drainage scheme must include:
 - a. An investigation of the hierarchy of drainage options on the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water.
 - b. A restricted rate of discharge of surface water agreed with the Local Planning Authority (it is agreed that infiltration is discounted by the investigations); and
 - c. A timetable for its implementation

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be carried out only in accordance with the approved drainage scheme.

Reason: To ensure that the site is adequately drained and to prevent increased risk of flooding and pollution by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with the National Planning Policy Framework, Policies CS2, CS19, CS24 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016

15. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework, Policies CS2, CS19, CS24 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

16. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall relate to all land surfaces not built upon and shall include:
- a. Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
 - b. hard surfaced areas and materials

The approved landscaping works shall be implemented and completed prior to the first use of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

17. Notwithstanding the details of the boundary treatments as indicated in the submitted drawings, prior to the first use of the building hereby permitted, details of all walls, fences, gates, or other means of enclosure to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the building is used.

Reason: In the interests of ensuring an acceptable standard of public realm and visual amenity, to comply with the National Planning Policy Framework (2021), Policies CS2, CS19 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

18. Notwithstanding the details submitted, prior to the first use of the building hereby permitted, a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles. Motorbike storage should provide a means for securing the motorbike. The approved scheme shall be implemented before any part of the development is brought into use and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

19. No deliveries or waste collections shall take place outside the hours of 08.00 - 18.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

20. Within one month of the date of this decision notice, details of all retaining structures shall be submitted to and approved in writing with the Council as Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the building.

Reason: In the interest of ensuring an acceptable standard of public realms and visual amenity, to comply with National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local plan Core Strategy (2016).

21. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- Involvement of employees.
- Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- Access for all modes of transport.
- Targets for mode share.
- Resource allocation including Travel Plan Co-ordinator and budget.
- A parking and management strategy.
- A marketing and communications strategy.
- Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- An action plan, including a timetable for the implementation of each of the above.
- Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
05/12/2022	201	K	PROPOSED SITE PLAN
18/08/2022	401	F	PROPOSED ELEVATIONS MARKED UP WITH MINOR AMENDMENTS
18/08/2022	VN201559-D104	-	PROPOSED ACCESS ARRANGEMENTS

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

Knowsley Replacement Unitary Development Plan (Saved Policies, adopted 2006)

T5 – Location of Major Traffic Generating New Development.

T7 – New Development and Walking & Cycling Routes

T8 – Transport Assessments

T9 – Travel Plans

DQ2 – Security in the Built Environment

DQ3 – Gateway Sites and Corridors

DQ4 – Trees and Development

ENV2 – Noise and Vibration

ENV3 – Light Pollution
ENV5 – Contaminated Land

Knowsley Local Plan Core Strategy (2016)

SD1- Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS7 - Transport Networks
CS8 – Green Infrastructure
CS13 – Principal Regeneration Area – South Prescott
CS19 - Design Quality and Accessibility in New Development
CS21 – Greenspaces and Trees
CS24 - Managing Flood Risk.
CS26 – Waste Management
CS27 – Planning for and Paying for New infrastructure

Merseyside Waste Local Plan (2013)

WM9 – Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Developer Contributions SPD (2016)
Adding Social Value to Development: Employment and Skills SPD (2018)

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Jo Sheridan on 0151 443 2376)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions, and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
- a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised, and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached, then you will be liable to a breach of condition notice.



Executive Director - Regeneration and Economic Development

Date: 10 January 2023

IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.